

DNREC wants EPA public hearing moved to Delaware, longer public comment period for EPA's proposed Clean Air Act denial

DOVER – Following the US Environmental Protection Agency's recent proposal to deny Delaware recourse under the federal Clean Air Act for improving the state's air quality, Department of Natural Resources and Environmental Control Secretary Shawn M. Garvin today urged EPA to follow regulatory procedure and provide the state with adequate opportunity to make a case for reducing out-of-state air pollution that comes into Delaware and continues to plague the First State.

On May 31, EPA Administrator Scott Pruitt signed a notice proposing to deny four CAA Section 126(b) petitions made by Delaware against four power plants in Pennsylvania and West Virginia that, according to EPA data, transport air pollution across state lines into Delaware. Governor John Carney responded with [a public statement opposing EPA's proposal to deny Delaware's petitions](#).

The EPA has scheduled a public hearing on the proposed denial of the CAA petitions for June 22 in Washington, D.C.

In a letter to EPA, Secretary Garvin stated that "Delaware is deeply concerned at the setting of a public hearing less than two weeks after publishing EPA's proposed action in the Federal Register." Secretary Garvin requested that the public hearing take place no sooner than 45 days following the date of publication of EPA's proposed denial in the federal register, and that the public hearing be moved from

Washington, D.C., to Wilmington.

Holding the hearing on the earlier date, as EPA intends, allows inadequate time for the state's response to the proposed Delaware's Clean Air Act petitions, Secretary Garvin wrote, and also noted that holding the public hearing in Washington, D.C., will limit participation by Delawareans, particularly those in the northern part of the state most affected by the poor air quality that besets Delaware from cross-state transport of air pollution.

In addition to a 45-day comment period leading up to the public hearing, Secretary Garvin requested that EPA hold open the comment period for at least 30 days following the hearing. In his letter, he noted that the EPA proposal signed by Administrator Pruitt indicated that EPA would receive written comments regarding the proposal for 45 days following the date that the proposal is published in the Federal Register. Yet on June 5, EPA released a notice of its intent to conduct the public hearing on June 22 at EPA's headquarters in Washington.

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